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NC ACCESSIBILITY CODE

2012 NC Bldg Code Ch. 11

2009 ICC/ANSI A117.1

Mandatory: 1 Jun 2012

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2010 ADA STANDARDS:

- Mandatory 3/15/12
- Copy available: www.ada.gov

Individual Highlights

- [Multi-Bldg Residential](#) 2
- [NCBC 1107.6.2.2 EMT](#) 3
- [NCBC 3411.8.8 A or B](#) 3
- [ANSI 603.2.2 Turng Circle](#) 4
- [Commentaries](#) 4
- [2019 NCBC + NCRC](#) 4
- [NCBC 3411.7 Path of Trvl](#) 5



Townhomes: use NCRC or NCBC?

Q: I am talking to a builder who is planning a single story townhome project. The project may contain as many as 35 (4)-unit buildings. The project is being platted with 140 individual lots under the units to meet all the requirements for townhomes as opposed to apartments or condominiums. These units are for sale. Is this project exempt from **ADA** or **Chapter 11** requirements?

My understanding is that a true townhome building is treated like single family residences with firewalls. The building does not have to be sprinkled and is inspected based on the residential code not the commercial code.

A: The **2012 NC Residential Building Code** has the following Section:

SECTION R320 ACCESSIBILITY

R320.1 Scope. Where there are four or more *dwelling units* or *sleeping units* in a single structure, the provisions of Chapter 11 of the *International Building Code* for Group R-3 shall apply.

When you look at the **2012 NC Building Code**, **NCBC 1107.6.3** states:

1107.6.3 Group R-3. In Group R-3 occupancies where there are four or more *dwelling units* or *sleeping units* intended to be occupied as a residence in a single structure, every *dwelling unit* and *sleeping unit* intended to be occupied as a residence shall be a *Type B unit*.

Exception: The number of *Type B units* is permitted to be reduced in accordance with Section 1107.7.

You stated that these are single story townhomes, so **NCBC 1107.7.2** would not be applicable. The fact that "a true townhome building is treated like single family residences with firewalls" does not exempt it from requirements under the federal **Fair Housing Act**. The **2009 IBC Commentary** supports this and notes that any exceptions to Type B units are in **NCBC 1107.7**. If there were three dwelling units under a single roof there would be no requirement; if the dwelling units were multistory there would be no requirement. It is the fact that they are single story and that there are four or more of them in the building that is triggering the requirement this time.

Q2: Therefore to summarize, in order to avoid any accessibility requirements the developer must build true townhomes that are duplexes or triplexes as opposed to having four units in a single structure. Is that correct?

A2: Yes, or build multi-story townhomes without an elevator. Even if there are 4 or more dwelling units in building, if there is no elevator service in a multistory dwelling unit, **NCBC 1107.7.2** would exempt it from having to be a Type B dwelling unit.

Multi-Bldg New + Historic Residential

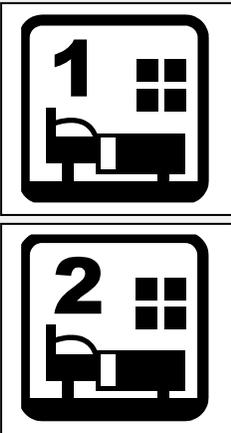
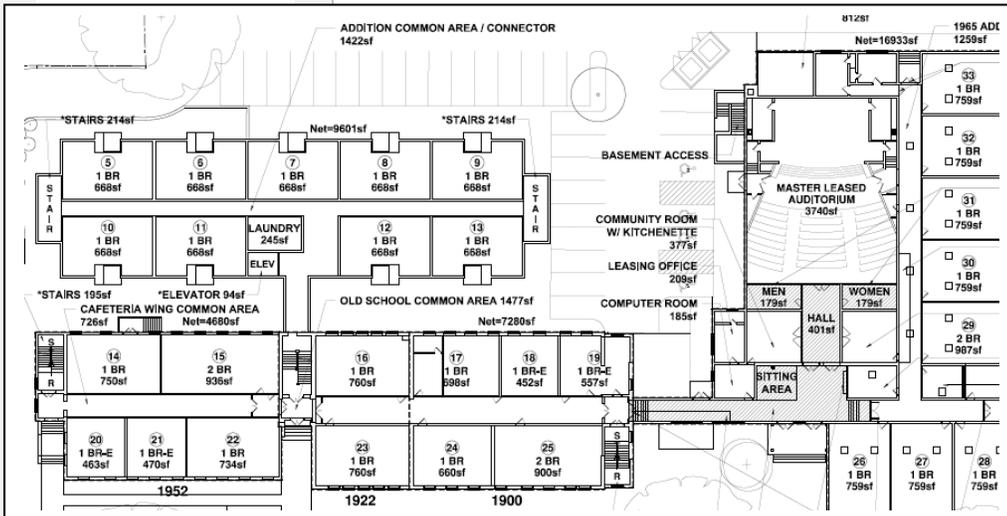


This example does not address historic issues particularly. The State Historic Preservation Office would be involved as well as NCBC 3411.9 potentially.

Q: The project is a historic rehabilitation of an old school, which will be converted to 31 apartments for seniors (not assisted but independent). In addition, there will be a new 22 unit apartment building constructed behind it. My understanding (or interpretation) is that in looking at the total project, we need 4 accessible units as required by **NCBC Table 1107.6.1.1**. However, if we look at it as separate buildings, we may only need 1 in the new bldg and 2 in the existing bldgs (built in 1900/1952 and in 1965). All of the new must be Type A or Type B, however in the existing, type A is required for one of each unit type, but the others are not required to be Type B or adaptable.

A: Generically, if the buildings all have the same bedroom types, the code references and calculations would be as follows:

FACILITY TYPE	# OF UNITS	TYPE A CODE REF	TYPE A	TYPE B CODE REF	TYPE B
Independent Lvg = R-2 (historic rehab of old school)	31	NCBC 3411.8.7; NCBC 3411.8.8; NCBC 1107.6.2.1.1	5% x 31 = 2 (assumes same bdrm type)	NCBC 3411.1 Exc.	None (0)
Apt Bldg = R-2 1-bdrm unit type	22	NCBC 1107.6.2.1.1	5% x 22 = 2 (assumes same bdrm type)	NCBC 1107.6.2.1.2	22 - 2 = 20
TOTAL	53		4		20



However, since **NCBC 1107.6.2.1.1** requires that *Type A units* shall be dispersed among the various classes of units, the table below calculates the distribution of units for 1- and 2-bedrm dwelling units. The numbers under each building are totals of the dwelling units on a per floor basis.

MULTIPLE BDRM-UNIT TYPE	BLDG A 1965 BLDG (ON RIGHT)	TYPE A	BLDG B 1900 BLDG WITH 1952 ADDITION	TYPE A	BLDG C NEW CONSTR	TYPE A
1 - Bdrm	7	5% x 7 = 1	10 + 7 = 17	5% x 17 = 1	9 + 9 + 4 = 22	5% x 22 = 2
2 - Bdrm	1	5% x 1 = 1	2 + 2 = 4	5% x 4 = 1	0	0 (remaining 20 units = Type B)
TOTAL	8	2	21	2	22	2

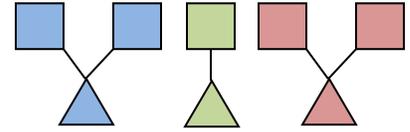


NCBC 1107.6.2.2 EMT Living Qtrs

Q: An EMS Station has living quarters attached to the garage. With fire separation we classify the living quarters as **R2**. There are 5 bedrooms and 3 bathrooms (2 bedrooms share a bathroom each and the 5th one has a private bathroom). Would all three bathrooms be required to be ADA compliant or would I go by **NCBC Table 1107.6.1.1** which would require one bathroom to be accessible? The rooms are occupied on a 1st come, 1st served basis.

A: The EMS Station would be considered an **R-2** occupancy under **NCBC 1107.6.2.2**. It would more closely resemble a dormitory where different EMT workers rotate through the living space the same way that students move into and out of a dormitory. **NCBC 1107.6.1.1** would require that one of the *sleeping units* or bedrooms shall be **Accessible** per **NCBC Table 1107.6.1.1**; **NCBC 1107.6.2.2.2** requires that the remaining *sleeping units* or bedrooms shall be designed as **Type B**. The EMT Station serves as the EMT's residence while s/he is on duty, so the issue is already addressed as to whether this meets the requirement of the sleeping unit intending 'to be occupied as a residence'.

If the **Accessible** bathroom is provided with the **Accessible** sleeping room, then the remaining Type B bathrooms have the **ANSI 1004.11.3** choice of 1) all being designed as **Option A** baths per **ANSI 1004.11.3.1** or 2) having a single toilet and bathing area designed as **Option B** per **ANSI 1004.11.3.2**, while there would be no requirements for the



Where the rooms are occupied hierarchically, e.g, with the highest ranking officer taking the combined bdrm/bath and the remaining 2 bdrm/baths being split M/F, all bathing rooms are required to be accessible.



NCBC 3411.8.8 Type A or Type B?



Typical Housing Question

This call came into the office the other day. The local inspector was not familiar with how to respond to the question, so the question was referred to **NCDOI**. Would you know how to answer it?

Q: I am a realtor down at the beach with two quadraplexes being renovated. These buildings were originally constructed in 1968 and will be rented out. What do I have to do to make them accessible?

A: If you have two quadraplexes, then you have two buildings with four dwelling units in each building, for a total of eight dwelling units. **NCBC 3411.8.8** only applies where 11 or more dwelling units are being added (or altered in this case, since the building was built in 1968). However as there are only eight dwelling units, there are no requirements for **Type A** dwelling units.

What about **Type B** dwelling units, you may ask? Well, the **Exception to NCBC 3411.1** tells you that **Type B** dwelling units are not required to be provided in existing buildings being altered or undergoing a change of occupancy. For anyone more familiar with the

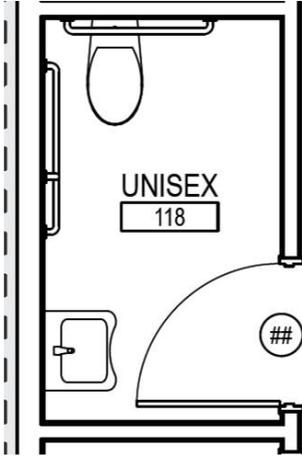
federal **Fair Housing Act** requirements, it is helpful to know that the **Type B** requirements are applicable for buildings constructed for first occupancy on or after March 13, 1991.

So for this particular example, there are no requirements for either **Type A** or **Type B** dwelling units.



ANSI 603.2.2 Turning Circle

Q: Can the wall-mounted lavatory overlap the clear door area required inside the toilet room?



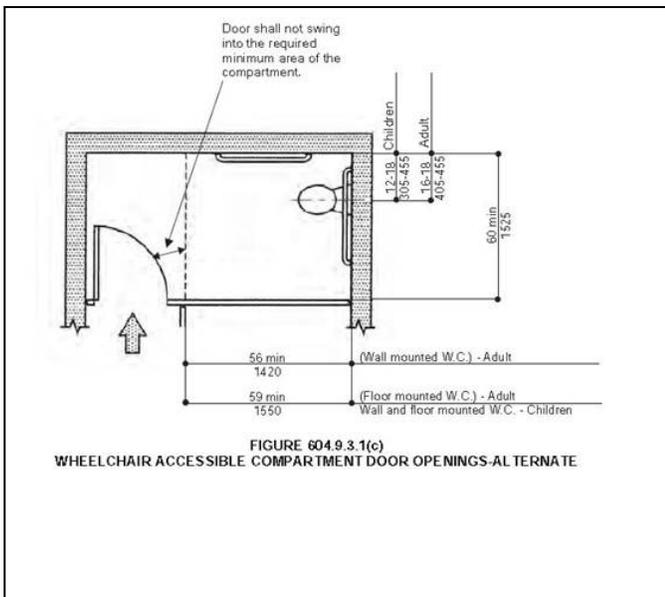
A: It depends on whether this is an individual toilet room or a stall/compartments.

Individual toilet room: **ANSI 603.2.2 Exc. 2** allows this with a 30" x 48" wheelchair space beyond the door swing.

Stall/Compartment:

1. Provided the 56" or 59" remains clear as required in **ANSI Commentary Fig. 604.9.3.1(c)** below, **ANSI 603.2.2 Exc. 2** would continue to be applicable with the 30" x 48" wheel chair space beyond the door swing.
2. Sufficient clearance is provided at the door to make an approach per **ANSI Fig. 404.2.3.2(f)**, where 54" clearance is required where a closer is provided on the door. **ANSI 604.9.3** requires the door of wheelchair accessible toilet compartments to be self-closing.

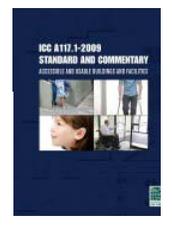
Remember, the lavatory may not obstruct the door maneuvering clearances so that the door is operable.



Commentaries

Everyone's budgets are low and it is never a good time to think about spending any money. If you look at the next article below, however, you will realize that we will have our building codes and standards for this cycle around for longer than we have had in previous years. So more than ever before, it really makes sense to go ahead and purchase the **IBC Commentary** and the **ANSI A117.1 Commentary**. If you call **NCDOI/OSFM** for

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an interpretation, these are often the documents that get researched for an answer. If you have ever had to replace something - you have already paid for a commentary. If you had that commentary first, the replacement may not have been necessary.

Next NC Adopted Codes - 2019

Up until June 1, 2012, when the **NC Building Code Council** did the last adoption of the **NC Building Codes**, the building codes for the state have more or less routinely been adopted on a three year rotating schedule. This has changed.

The **Building Code Council**

has voted to change the adoption cycles for both the **NC Residential Code** and for the **NC State Building Codes** to a 6-year cycle.

This means that the **next NC Residential Code** will be the **2019 NC Residential Code**. The next **NC Building Code**,

or **NC Plumbing Code**, or **NC Mechanical Code**, or **NC Fire Code**, or any of the other **NC State Building Codes**, Except Electrical will also be 2019. It is presumed that the base model code will be the **2015 International Building Code**, but that is still to be

determined.

The **2014 NC Electrical Code [NEC]** is adopted separately. It is unknown whether the next **NEC** will be adopted late or not.

The **2015 NC Existing Building Code** will go into effect on 1/1/2015.

NCBC 3411.7 Path of Travel Req'mts

Q: The medical practice has been bought and they will be making changes, generally as shown on the attached plan. My question has to do with the restrooms. They are not up to current **2012 NCBC** code. Given that much of the renovation is being refreshed, with some new construction in the front area, will it be required to bring the public restroom up to current code compliance? The local plan reviewer said "No, you would not need to bring bathrooms up to code, if they still comply with code at time the building was built." Is this correct?

A: Without having a list of exactly what the refinishing involves, what is being replaced and what is the new construction – other than what is evident from the attached plan (see below) – I can give you a generic answer with specific code sections.

My comments are as follows:

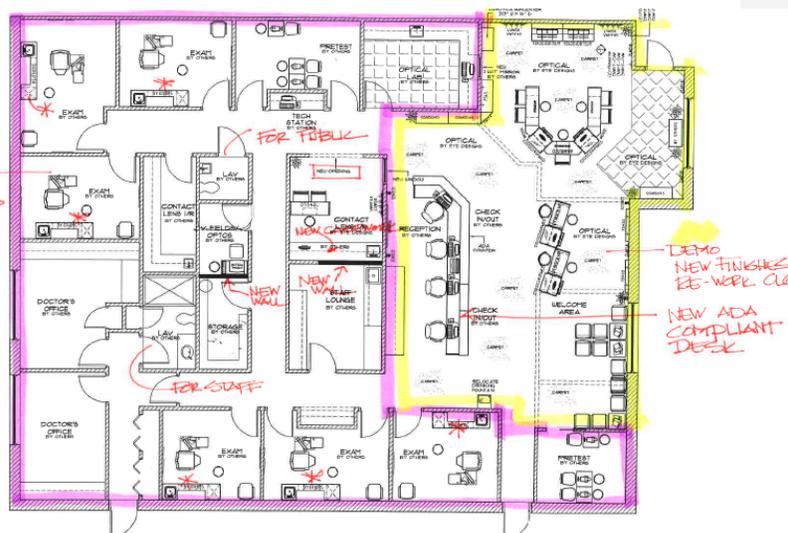
1. When alterations are done in an existing building, the following applies:
 - a. **NCBC 3411.5** requires that new construction shall apply to any additions within the building. Any additions affecting accessibility to or containing an area of primary function shall comply with **NCBC 3411.7**.
 - b. **NCBC 3411.6** requires that the alterations shall comply with **NCBC Ch. 11** and **ANSI A117.1** unless technically infeasible. Where compliance is technically infeasible, then the alteration shall comply to the maximum extent feasible.
2. Path of travel upgrades for the alteration are to be calculated as follows:
 - a. The work in the reception area [the yellow bordered area] is new construction. That generates a design and construction budget, from which a 20% disproportionate amount is required to be calculated per **NCBC 3411.5** and **NCBC 3411.7 Exc. 1**.
 - b. The work in the examination area [the purple bordered area] primarily consists of finishes with some new construction. If any of the work involved includes replacement of flooring material, that is considered an alteration and the budget for it is to be included when calculating the disproportionate amount. When each portion is separated out, the alteration portion will generate a design and construction budget, from which a 20% disproportionate amount is required to be calculated per **NCBC 3411.5**, **NCBC 3411.6** and **NCBC 3411.7 Exc. 1**.
3. The **NCBC 3411.7 Exc. 1** disproportionate amount garnered from the alterations in Items 2a and 2b above now are to be expended up to but not more than the resulting 20% calculated total. Since the work in the yellow Reception area is new construction, then the assumption is that any path of travel upgrades will be in the remaining area of the building where the alteration work, including the finishes (and the new walls were added). The typical list of path of travel upgrades is below. Where the earlier ones are accomplished, then proceed onto the others until all are provided or until the disproportionate amount is expended.
 - a. Accessible parking, including path of travel into the building
 - b. Building entrance and path of travel to the area of remodel.
 - c. Accessible restrooms.
 - d. Accessible drinking fountains.
 - e. Accessible public telephones (where provided).
 - f. Other accessible features (strobes, break rooms, etc.)

Please note that the 1984 construction of the original building, while it presumably met the building code at the time it was built, was constructed prior to the **Americans with Disabilities Act**. If nothing else, there were, and still are, federal requirements in place for barrier removal. The fact that nothing may have been done since 1984 along that line, and that this is an office of a licensed health-care provider, may allowed the operator some potential legal exposure. There are documents prepared by the US Dept of Justice on the www.ada.gov website that may be of help to you. One addresses Access in Medical Care Facilities; the other two are older but address Barrier Removal under the previous **1994 ADA** – one is excellent for providing typical Questions and Answers, the other has an easy to use check-list for surveying a facility.

Minimal work
on this side



2 new walls
constructed;
Wall finishes



New ADA
Compliant
Desk



Wall finishes;
Re-work
ceiling